

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUAN CARLOS ALMONTE,

Plaintiff,

-against-

FRANK P. GERACI JR.; LAURA TAYLOR
SWAIN; CHARLES SIRAGUSA; RUBY
KRAJICK,

Respondents.

21-CV-6960 (LLS)

ORDER

LOUIS L. STANTON, United States District Judge:

On October 8, 2021, the Court dismissed this case because Plaintiff failed to state a claim upon which relief may be granted and sought monetary relief from defendants who are immune. (ECF 2) (citing 28 U.S.C. § 1915A(b)(1), (2)). Judgment was entered on October 12, 2021. On November 2, 2021, the Court received from Plaintiff a notice of appeal, a motion for an extension of time to file a notice of appeal under Rule 4(a)(5) of the Federal Rules of Appellate Procedure, and a motion for leave to proceed *in forma pauperis* (IFP) on appeal.¹ (ECF 4-6.)

The Court denies Plaintiff's motion for an extension of time. A litigant has thirty days from entry of the order or judgment he wishes to challenge to file a notice of appeal. Fed. R. App. P. 4(a)(1)(A). Because Plaintiff timely filed his notice of appeal within thirty days after entry of judgment, the Court denies the motion for an extension of time to file a notice of appeal as unnecessary.

Further, the Court denies Plaintiff's request for leave to proceed IFP on appeal. Plaintiff may seek leave from the Court of Appeals to proceed IFP on appeal.

¹ On November 9, 2021, the Court transmitted the notice of appeal to the United States Court of Appeals for the Second Circuit.

CONCLUSION

The Court denies Plaintiff's motion for an extension of time to file a notice of appeal (ECF 4) as unnecessary because Plaintiff's notice of appeal (ECF 6) is timely. The Court also denies Plaintiff's request for leave to proceed IFP on appeal (ECF 5).

The Court directs the Clerk of Court to mail a copy of this order to Plaintiff and note service on the docket.

SO ORDERED.

Dated: November 10, 2021
New York, New York

Louis L. Stanton
Louis L. Stanton
U.S.D.J.